

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION**

POINT BLANK BODY ARMOR, INC.

Plaintiff,

v.

ALLEN PRICE,
JOSEPH KRUMMEL, and
JAMES MURRAY

Defendants.

Civil Action No. MJG 01 CV 3256

ALLEN PRICE,
JOSEPH KRUMMEL, and
JAMES MURRAY

Counter-plaintiffs,

v.

POINT BLANK BODY ARMOR, INC.

Counter-defendant.

**DEFENDANTS AND COUNTER-PLAINTIFFS'
VERIFIED BILL OF COSTS**

Defendants and Counter-Plaintiffs Allen Price, Joseph Krummel, and James Murray, by their undersigned counsel and pursuant to L.R. 109, submit the following Bill of Costs.

As a prevailing party, Defendants and Counter-Plaintiffs are entitled to recover certain costs reasonably necessary to their litigation of this case. Fed. R. Civ. Pro. 54(d); 28 U.S.C. § 1920. While this Court is not permitted to reimburse a winning litigant for every expense it has seen fit to incur, this

Court does have wide latitude to allow costs that are explicitly permitted by statute. Thomas v. Treasury Management, 158 F.R.D. 364, 371 (D. Md. 1994). Section 1920 of Title 28 of the United States Code provides that a judge or clerk of any court of the United States may tax as costs the following:

- 1) Fees of the clerk and marshal;
- 2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- 3) Fees and disbursements for printing and witnesses;
- 4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- 5) Docket fees under section 1923 of this title;
- 6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

28 U.S.C. § 1920. “Once it is established that an item falls within 28 U.S.C. § 1920, the prevailing party is presumed to be entitled to recover costs, and the burden is on the losing party to show the impropriety of an allowance.” Cofield v. Crumpler, 179 F.R.D. 510, 514 (E.D. Va. 1998).

Defendants and Counter-Plaintiff’s incurred the following recoverable costs in connection with this matter:

A. Photocopying Charges:

\$3,395.20¹

B. Fees for Service of Trial Subpoenas

\$ 135.76 (Catherine Dubbs)²

¹ This amount represents a charge of \$.20 per page for photocopying charged to Defendants by Miles & Stockbridge P.C.

² Ms. Dubbs was served by an employee of Miles & Stockbridge P.C.

C. Court Reporter Fees³

Deposition of Allen Price, Joseph Krummel and James Murray on June 26, 2002	\$ 830.00
Deposition of Sandra Hatfield on July 24, 2002	\$1,385.45
Depositions of James Murray and Allen Price on May 7, 2003	\$ 389.35
Deposition of Joseph Krummel on May 13, 2003	\$ 118.25
Deposition of Scott Bauermaster on May 13, 2003	\$ 211.75
Depositions of Dawn Schlegel and David Brooks on June 5, 2003	\$1,313.04

TOTAL \$4,247.84**D. Witness Fees⁴**

Catherine Dubbs	\$ 59.32
Morgan Stanley Custodian of Records	\$ 59.32
Morgan Stanley Designee	\$ 59.32
Scott Bauermaster	\$ 50.11

TOTAL \$228.07

In the aggregate, these costs total **\$8,006.87**.

³ Copies of the invoices for these fees are attached as Exhibit A hereto.

⁴ Copies of the checks issued to these witnesses are attached as Exhibit B hereto.

CONCLUSION

WHEREFORE, Defendants and Counter-Plaintiffs respectfully requests that the Court order Plaintiff and Counter-Defendant to pay to Defendants and Counter-Plaintiffs an amount equal to **\$8,006.87.**

VERIFICATION

STATE OF MARYLAND
CITY OF BALTIMORE, to wit:

I, Robert S. Brennen, hereby attest as follows:

1. I am over eighteen (18) years of age and competent to attest to the following facts, of which I have personal knowledge.
2. I am and have been a member in good standing of the Maryland Bar since December 22, 1987. I am and have been a member in good standing of the Bar of this Court since February 19, 1988.
3. I am and have been a principal with the law firm of Miles & Stockbridge P.C. since January 1, 1996.
4. Miles & Stockbridge has represented the Defendants and Counterclaimants throughout this matter. My now former partner, the Honorable Richard D. Bennett, my associate William M. Krulak, Jr. and I were directly involved in that representation.
5. In connection with the Defendants' Motion for Counsel Fees and Other Costs I have personally reviewed the firm's accounting records with respect to the photocopying charges and other costs set forth in the above Bill of Costs, and, based upon my personal knowledge, those figures are accurate.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING VERIFICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

August 4, 2003

_____/s/
Robert S. Brennen

Respectfully submitted,

Dated: August 4, 2003

_____/s/
Robert S. Brennen (04499)
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